

**THE PANGIA LAW GROUP**

Michael J. Pangia (*pro hac vice*)  
Joseph L. Anderson (*pro hac vice*)  
1717 N St NW, Suite 300  
Washington, D.C. 20036  
T: (202) 955-6153  
F: (202) 393-1725  
mpangia@pangialaw.com  
janderson@pangialaw.com

**THE URBAN LAW FIRM**

Michael A. Urban, Nevada Bar No. 3875  
Sean W. McDonald, Nevada Bar No. 12817  
4270 S. Decatur Blvd., Suite A-9  
Las Vegas, Nevada 89103  
T: (702) 968-8087  
F: (702) 968-8088  
murban@theurbanlawfirm.com  
smcdonald@theurbanlawfirm.com  
*Attorneys for Plaintiff, Jason Kinzer*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JASON KINZER, an individual;

Plaintiff,

vs.

ALLEGIANT AIR, LLC, a Nevada limited  
liability company; and ALLEGIANT TRAVEL  
CO., a Nevada corporation,

Defendants.

Case No. 2:15-cv-02306-JAD-PAL

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND  
DISPOSITIVE MOTION DEADLINES**

(First Request)

The parties, by and through their respective counsel of record, hereby stipulate and agree  
as follows:

**PROCEDURAL BACKGROUND**

1. On November 10, 2015, Plaintiff filed a Verified Complaint against Defendants  
in District Court, Clark County, Nevada. The crux of the complaint is Plaintiff's claim for  
wrongful termination in violation of state law.

2. Defendants were served with the Verified Complaint and removed the matter to  
this Court on December 7, 2015 (ECF No. 4).

1           3.       On December 11, 2015, Plaintiff filed a Motion to Remand to State Court (ECF  
2 No. 11).

3           4.       On December 16, 2015, Defendants' filed their Motion to Dismiss (ECF No. 14).

4           5.       The Motion to Remand to State Court and Motion to Dismiss are fully briefed  
5 and pending before this Court.

6           6.       On February 5, 2016, this Court, *sua sponte*, entered an Order regarding the  
7 scheduling of discovery (ECF No. 21).

8           7.       As set by the Scheduling Order, the discovery deadline is June 6, 2016.

9           8.       The parties participated in an Early Neutral Evaluation on February 25, 2016, but  
10 were unable to resolve the matter. Thereafter, the parties began actively engaging in discovery.

11          9.       On May 12, 2016, Defendants filed a Motion to Extend Discovery (ECF No. 40).  
12 Plaintiff filed his opposition to the Motion on May 27, 2016 (ECF No. 41).

13          10.      On May 20, 2016, the Court set a hearing on the Motion to Extend Discovery for  
14 June 28, 2016, at 11 a.m.

15          11.      In recognition of the fact that the Motion to Extend Discovery will not be heard  
16 until after discovery closes under the original Scheduling Order, the parties met and conferred  
17 on May 24, 2016, regarding a limited stipulation to extend discovery and associated deadlines  
18 only through the date of that hearing. Under this limited stipulation, Defendants would continue  
19 to pursue the extension of discovery by 120 days, and Plaintiff would continue to oppose such  
20 an extension.

21          12.      This is the first request (with the exception of Defendants' Motion to Extend  
22 Discovery, which is now pending before the Court) by the parties to amend the Court's  
23 February 5, 2016 Scheduling Order.

24                   **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

25          Plaintiff has served the following disclosures:

- 26               a.       Initial Disclosures on February 22, 2016;  
27               b.       First Supplemental Disclosures on March 15, 2016; and  
28               c.       Second Supplemental Disclosures on May 20, 2016.

1           d.       Initial Expert Disclosures (three experts) on May 5, 2016.

2       Defendant Allegiant Air, LLC has served the following disclosures:

- 3           a.       Initial Disclosures on February 22, 2016;
- 4           b.       First Supplemental Disclosures on April 11, 2016;
- 5           c.       Second Supplemental Disclosures on April 15, 2016;
- 6           d.       Third Supplemental Disclosures on April 20, 2016;
- 7           e.       Fourth Supplemental Disclosures on April 26, 2016;
- 8           f.       Fifth Supplemental Disclosures on May 6, 2016;
- 9           g.       Sixth Supplemental Disclosures on May 12, 2016;
- 10          h.       Seventh Supplemental Disclosures on May 13, 2016; and
- 11          i.       Eighth Supplemental Disclosures on May 24, 2016.

12       Plaintiff has served the following discovery requests:

- 13          a.       First Set of Interrogatories. Defendant responded on April 15, 2016; and
- 14          b.       First Set of Requests for Production of Documents. Defendant responded
- 15               on April 15, 2016.

16       Defendant Allegiant Air, LLC has served the following discovery requests:

- 17          a.       First Set of Interrogatories. Plaintiff responded on March 28, 2016; and
- 18          b.       First Set of Requests for Production of Documents. Plaintiff responded on
- 19               March 28, 2016;
- 20          c.       Second Set of Interrogatories on May 2, 2016; and
- 21          d.       Second Set of Requests for Production of Documents on May 2, 2016.

22       Plaintiff has noticed and taken the following depositions:

- 23          a.       Mark Grock, May 12, 2016;
- 24          b.       Randy Freedman, May 12, 2016;
- 25          c.       Robert Lieser, May 12, 2016;
- 26          d.       Michael Weurger, May 13, 2016;
- 27          e.       Greg Baden, May 13, 2016;
- 28          f.       Neil Godbole, May 24, 2016

1 Defendant Allegiant Air, LLC has noticed and taken the following depositions:

- 2 a. Jason Kinzer, May 11, 2016;
- 3 b. Cameron Graff, May 24, 2016;
- 4 c. Mike Bastianelli, May 24, 2016;
- 5 d. Gary Hasterok, May 25, 2016.

6 Finally, Defendant Allegiant Air, LLC has served custodian of records subpoenas on no  
7 fewer than 18 third parties, requested Plaintiff's tax records from the IRS, and issued Freedom  
8 of Information Act requests to various federal agencies.

9 **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

10 The parties are in the process of meeting and conferring regarding the sufficiency of the  
11 disclosures and responses to written discovery.

12 In addition, the parties are currently reviewing witness lists and considering additional  
13 depositions. At this time, Defendants intend to depose Plaintiff's experts, but have not  
14 announced as of yet any other witnesses they desire to depose. Plaintiff has announced his intent  
15 to depose three additional witnesses, Steven Harfst, Gregory Marino, and Monica Strong, all of  
16 whom are located outside of Nevada. Although these depositions were previously set for later  
17 this week (June 1–3), Defendants' counsel had scheduling conflicts. The parties are conferring  
18 on a schedule to complete these depositions, taking into account the location of the witnesses  
19 and scheduling constraints of the parties' respective counsel. Plaintiff intends to schedule these  
20 depositions to be completed before June 28, 2016. Defense counsel has indicated availability on  
21 June 14 and 15. Defendants have not yet disclosed expert witnesses—initial or rebuttal—and  
22 thus Plaintiff does not yet know whether he desires to depose of the Defendants' expert  
23 witnesses. Plaintiff remains committed to completing all of his discovery by June 28, 2016.

24 In light of the fact that the hearing on Defendants' pending Motion to Extend Discovery  
25 is not set until June 28, 2016, the parties agree that a limited extension of the discovery deadline  
26 and dispositive motion deadline to account for the time until that hearing date is appropriate.

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**PROPOSED SCHEDULE**

The parties stipulate and agree that:

1. **Discovery**: The discovery period shall be extended from June 6, 2016, to June 28, 2016.
2. **Expert Disclosures**: Initial expert disclosures, if any, are due from Defendants to Plaintiff on June 20, 2016.
3. **Rebuttal Expert Disclosures**: Rebuttal expert disclosures are due from Defendants to Plaintiff on June 20, 2016.
4. **Dispositive Motions**: The parties shall have through and including July 28, 2016, to file dispositive motions.
5. **Pretrial Order**: If no dispositive motions are filed, the Joint Pretrial Order shall be filed 30 days after the date set for the filing of dispositive motions. Therefore, the joint pretrial order shall be filed no later than August 29, 2016. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until 30 days after decision on the dispositive motions or by further order of the Court.

**This stipulation is made and entered into without prejudice to the pending Motion to Extend Discovery (ECF No. 40). The parties expressly acknowledge that this stipulation does not resolve that motion or render it moot, as Defendants still seek an extension of the close of discovery to October 4, 2016, and accompanying extensions of other related deadlines; Plaintiff opposes the Motion and any extensions beyond the extensions contained in this stipulation.**

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1 This stipulation and order is sought in good faith and not for the purpose of delay. No  
2 prior request for any extension of scheduling deadlines (with the exception of the pending  
3 Motion to Extend Discovery by Defendants) has been made.

4 Dated: May 31, 2016

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Michael J. Pangia (*pro hac vice*)  
Joseph L. Anderson (*pro hac vice*)  
1717 N St NW, Suite 300  
Washington, D.C. 20036  
T: (202) 955-6153; F: (202) 393-1725  
mpangia@pangialaw.com  
janderson@pangialaw.com

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By: /s/ Sean W. McDonald  
Michael A. Urban, Nevada Bar No. 3875  
Sean W. McDonald, Nevada Bar No. 12817  
4270 S. Decatur Blvd., Suite A-9  
Las Vegas, Nevada 89103  
T: (702) 968-8087; F: (702) 968-8088  
murban@theurbanlawfirm.com  
smcdonald@theurbanlawfirm.com

***Attorneys for Plaintiff, Jason Kinzer***

15 Dated: May 31, 2016

**JACKSON LEWIS P.C.**

By: /s/ Veronica Arechederra Hall  
Veronica Arechederra Hall, Bar No. 5855  
Erik M. Dullea (*pro hac vice*)  
3800 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
veronica.hall@jacksonlewis.com  
erik.dullea@jacksonlewis.com

***Attorneys for Defendants,  
Allegiant Air, LLC & Allegiant Travel Co.***

**IT IS SO ORDERED.**

UNITED STATES MAGISTRATE JUDGE

Date: \_\_\_\_\_